

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

) Master File No. 1:13-MF-2419-FDS
) MDL Docket No. 2419
)
) This Document Relates to:
)
) *Andre Gould and Meredith Gould v. New*
) *England Compounding Pharmacy Inc., et*
) *al.*: 1:13CV10444.
)
) *Jenna A Letizia and Paul Letizia v. New*
) *England Compounding Pharmacy, Inc., et*
) *al.*: 1:13CV10442.

**DEFENDANT AMERIDOSE, LLC’S MOTION FOR LEAVE TO FILE BRIEFS OPPOSING
PLAINTIFFS’ MOTIONS TO REMAND**

Defendant Ameridose, LLC, hereby moves this Court for leave to file Briefs Opposing Remand in the above-referenced actions. The Motions for Remand in these two cases were filed in the United States District Court for the District of New Jersey on January 4, 2013. Thereafter, briefing was stayed by order of that Court on January 17, 2013. (Ex. 1). The cases were subsequently transferred to this Court on February 22, 2013 as part of CTO No. 1.

According to this Court's March 12, 2013 Order, briefs opposing remand were to be filed by April 16, 2013. Ameridose timely filed opposing briefs in thirteen cases. Three briefs in opposition (*Hannah, Marko and Pennington*) were filed in the USDC for the District of New Jersey prior to the January 17, 2013 stay and do not have an MDL docket number. Two more briefs were filed on March 11, 2013 (*Tisa*, Doc. 25, Case 1:13-cv-10446-FDS, and *Normand*, Doc. 27, Case 1:13-cv-10447-FDS). On April 16, 2013, Ameridose filed one more brief in opposition relating to eight cases (*Jones, Leaverton, Ramos, Rios, Rivera, Tayvinski, Tolotti, and Zavacki*). (See, ECF Doc. 88). The *Gould* and *Letizia* cases were inadvertently omitted from the caption of this last brief. Defendant requests that it be

given leave to file its Brief Opposing Remand in these additional two cases, or that it be permitted to amend its April 16, 2013 filing to add these two cases to the caption.

The issues Ameridose intends to raise are the same issues that have been fully briefed in previous cases. Indeed, in opposing remand, Ameridose again intends to incorporate by reference the brief it filed in *Greta Normand and Drew Normand v. New England Compounding Pharmacy, Inc. et al.*, 13-cv-10447-FDS. (See, Doc. 27, Case 1:13-cv-10447-FDS). A copy of Ameridose's proposed Brief in Opposition to Plaintiffs' Motions to Remand and supporting exhibits, which is essentially identical to the brief Ameridose filed on April 16, 2013, is attached hereto as Ex. 2.

This Court has not ruled on any of the previously filed Motions to Remand, and has stated its intent to do so only after it rules on the Bankruptcy Trustee's Motion to Transfer Personal Injury and Wrongful Death Cases under 28 U.S.C. §§157(b)(5) (ECF Doc. 37) and the Motions to Withdraw the Reference filed by Ameridose (Case 1:13-cv-10226-FDS, Doc. 2) and co-Defendant GDC (ECF Doc. 30). (See, 3/12/13 Order). Indeed, briefing on all of these motions will continue until at least May 13, 2013. (See 4/10/2013 Order). Plaintiffs will not be prejudiced by this filing because there have been no rulings and because Defendant's opposition is no different from those made earlier.

For these reasons, Defendant Ameridose, LLC respectfully requests that this Court grant this Motion for Leave and permit Ameridose, LLC to file its Brief Opposing The Motions to Remand The Cases To The Superior Court of New Jersey, Law Division/Cumberland County filed by Plaintiffs Andre Gould and Meredith Gould and Plaintiffs Jenna A. Letizia and Paul Letizia. Alternatively, Defendant Ameridose, LLC requests that it be permitted to amend its April 16, 2013 Brief in Opposition to Plaintiffs' Motions to Remand to add both the *Gould* and *Letizia* cases to the caption.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been filed with the Clerk of the Court on May 3, 2013 using the ECF system that sent notification of this filing to all ECF-registered counsel of record via e-mail generated by the Court's ECF system.

/s/ Matthew P. Moriarty

Attorney for Defendant Ameridose, LLC

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